



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II, SUITE 7000
GUAYNABO, PUERTO RICO 00968-8069

JUN 13 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article Number: 7011 0470 0000 5040 2847

Mr. Alberto Lazaro
Executive Director
Puerto Rico Aqueduct and Sewer Authority
P.O. Box 7066
San Juan, Puerto Rico 00916-9990

**Re: Request for Information Pursuant to Section 308 of the Clean Water Act
Puerto Rico Aqueduct and Sewer Authority
CEPD-CWA-02-IR-2014-006**

Dear Mr. Lazaro:

This is to request you to provide information to the United States Environmental Protection Agency ("EPA") concerning the Puerto Rico Aqueduct and Sewer Authority ("PRASA"). EPA will use this information to assess PRASA's compliance with Section 301(a) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1311(a).

EPA issues this Request for Information to you pursuant to the authority vested in the Administrator of EPA by Section 308(a) of the CWA, 33 U.S.C. § 1318(a). This authority has been duly delegated to the Regional Administrator of Region 2, EPA, and since further re-delegated to the Director of the Caribbean Environmental Protection Division.

INSTRUCTIONS

In responding to this Request for Information, apply the following instructions:

- a. The signatory should be an officer or agent who is authorized to respond on behalf of PRASA.
- b. A complete separate response must be made to each individual question in this Request for Information. Identify each answer with the number of the question to which it is addressed and precede each answer with the question to which it is addressed.
- c. Interpret "and" as well as "or" to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.
- d. In preparing your response to each question, consult with all present and employees and agents or contractors of PRASA who you have reason to believe may be familiar with the matter to which the question pertains, regardless of whether the source is in your immediate possession.

- e. In answering each question, identify all contributing sources of information.
- f. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual, other than one employed at PRASA, who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
- g. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
- h. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies. If a document is requested but is not available, state the reason for its unavailability.

REQUESTED INFORMATION

Pursuant to the authority of Section 308(a) of the Act, 33 U.S.C. § 1318(a), PRASA is required to submit the following information to EPA:

Indicate in a detailed manner any non-compliance event with CWA requirements that occurred at PRASA's facilities on June 5, 2014, associated with the events listed in the PRASA incident report that was submitted to EPA on June 5, 2014. Please include in your answer reference to any related event and additional incidents that might have occurred at PRASA facilities afterwards.

A written response to the information requested above should be mailed to or received at EPA within thirty (30) calendar days of your receipt of this letter. Please submit the response to the following address:

Jaime A. Geliga, Chief
Municipal Water Programs Branch
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
City View Plaza II, Suite 7000
#48 165 RD. KM 1.2
Guaynabo, Puerto Rico 00968-8069

Any documents to be submitted by PRASA as part of this Information Request shall be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information,

including the possibility of fine and imprisonment for knowing violations."

Failure to comply in all respects with this Request for Information within the time specified above may result in the initiation of an enforcement action under Section 309(d) of the CWA, 33 U.S.C. §1319(d), under which injunctive relief and penalties may be sought. Such an enforcement action may include the assessment of penalties of up to \$37,500.00 per day for each day of continued non-compliance.

Please be advised that you are under a continuing obligation to supplement the response if information not known or not available to you as of the date of submission of your response should later become known or available to you. If at any time in the future you obtain or become aware of additional information or find that any portion of the submitted information is false, misleading or misrepresents the truth, you must promptly notify EPA. If any part of the response is found to be untrue, you may be subject to criminal prosecution.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520. You may, if you so desire, assert a business confidentiality claim covering all or part of the information requested by this letter. A business confidentiality claim may be asserted by placing on (or attaching to) the information, at the time it is submitted, a cover sheet, stamped or typed-legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only in accordance with and by means of procedures set forth in 40 C.F.R. Part 2.

If no business confidentiality claim accompanies the information contained in the response to the attached Request for Information when EPA receives it, it may be made available to the public by EPA without further notice to you. You should read the above-cited statutory and regulatory provisions carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by you. If you desire confidential treatment of information only until a certain date or until the occurrence of a certain event, your response should state so.

Finally, note that PRASA is under a continuous duty to comply with all conditions of all its National Pollutant Discharge Elimination System ("NPDES") Permits. The CWA and all of your NPDES Permits provide that any person who violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA also provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both.

Moreover, any person who knowingly violates sections 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than fifteen years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than thirty years, or both. An organization as, defined in section

309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

If you have any questions concerning this request information letter, please contact Mr. Jaime A. Geliga, Chief, of the Municipal Water Programs Branch, at (787) 977-5840, or via electronic mail at Geliga.jaime@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "José C. Font", followed by a stylized flourish or second signature.

José C. Font

Director

Caribbean Environmental Protection Division